

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA, : :

Plaintiff, : CR-2-12-140
: JUDGE MARBLEY
v. :
: JUAN DUARTE-LOPEZ, :
: Defendant. : :

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, the Information filed in this action contained forfeiture allegations (Forfeitures A and B) notifying Defendant Juan Duarte-Lopez that the United States sought the forfeiture of specific property of Defendant Juan Duarte-Lopez, pursuant to 21 U.S.C. §853(a)(1), based on the conduct of Defendant Juan Duarte-Lopez in Count One of the Information, in violation of 21 U.S.C. §§841(a)(1) and (b)(1)(B)(i) and 21 U.S.C. §846, which property is fully described below ("subject property"); and

WHEREAS, on August 10, 2012, Defendant Juan Duarte-Lopez entered a Plea of Guilty to Count One of the Information; and

WHEREAS, in the Plea Agreement entered on July 6, 2012, Defendant Juan Duarte-Lopez acknowledged liability for the forfeiture alleged in Forfeitures A and B of the Information involving certain United States currency, all of which were seized from Defendant Juan Duarte-Lopez and his co-conspirators at the time of the execution of the search warrants. Defendant Juan Duarte-Lopez also agreed to co-operate fully in the forfeiture of

the United States currency and also agreed not to contest the forfeiture in any way or to assist others in contesting the forfeiture.

WHEREAS, by virtue of said Information, Guilty Plea, and Plea Agreement the Court has determined that the requisite nexus exists between the subject property and Count One of the Information, that the subject property is forfeitable pursuant to 21 U.S.C. §853(a)(1), and that the United States is now entitled to possession of the subject property.

Accordingly, it is hereby ORDERED, ADJUDGED, AND DECREED:

1. That Defendant Juan Duarte-Lopez shall forfeit to the United States the subject property, that is:

Twenty Thousand Forty-Four and 00/100 Dollars (\$20,044.00) in United States Currency; and

Eighty Thousand Seven Hundred Ninety-Three and 25/100 Dollars (\$80,793.25) in United States Currency.

2. That the United States Marshals Service shall immediately seize the subject property and hold same in its secure custody and control.

3. That the United States is authorized to conduct any discovery proper in identifying, locating or disposing of the subject property in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. That the United States shall publish, in accordance with the provisions of 21 U.S.C. §853(n), notice of this Order and

notice of its intent to dispose of the subject property in such manner as the Attorney General may direct.

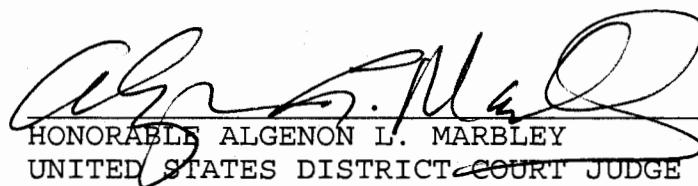
5. The United States shall also provide written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding in accordance with Fed. R. Crim. P. 32.2(b)(6).

6. That pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to Defendant Juan Duarte-Lopez at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

7. That following the Court's disposition of all petitions filed pursuant to 21 U.S.C. §853(n), or, if no such petitions are filed, following the expiration of the period for the filing of such petitions, the United States shall have clear title to the subject property.

8. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

ORDERED this 16 day of August, 2012.


HONORABLE ALGENON L. MARBLEY
UNITED STATES DISTRICT COURT JUDGE